

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENTDocket Number(s): 14-391

Caption [use short title]

Motion for: Counsel to be relieved and retained counsel allowed to file notice
of appearance.

USA v. Trevor Cole

Set forth below precise, complete statement of relief sought:

I am seeking to be relieved as CJA counsel
due to the fact that Mr. Cole has retained counsel,
Daniel Demaria to represent him on his appeal to this Court.

MOVING PARTY:

Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: United States Attorney's Office SDNYMOVING ATTORNEY: David TougerOPPOSING ATTORNEY: Timothy Sini

[name of attorney, with firm, address, phone number and e-mail]

Peluso & Touger, LLPUS Attorney's Office SDNY70 Lafayette Street, 2d FloorOne St. Andrews PlazaNew York, NY 10013 212-608-1234 dtouger@aol.comNew York, NY 10007 212-637-2200 timothy.sini@usdoj.govCourt-Judge/Agency appealed from: SDNY Hon. Katherine B. Forrest

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

 Yes No (explain): _____**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:**

Has request for relief been made below?

 Yes No

Has this relief been previously sought in this Court?

 Yes No

Requested return date and explanation of emergency: Most respectfully it is

requested that the Court rule on this motion as soon as

possible so that new counsel can begin preparations to

prosecute this appeal.

Is oral argument on motion requested?

 Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

 Yes No If yes, enter date: _____

Signature of Moving Attorney:

Date: 02/26/14Service by: CM/ECF Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

X

UNITED STATES OF AMERICA

AFFIDAVIT

v.

14-391-cr

USDC# 12 Cr 802(KBF)

TREVOR COLE

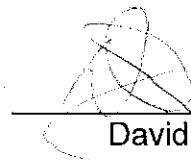
X

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

I, David Touger, an attorney at law admitted to practice law before this Court, state as follows:

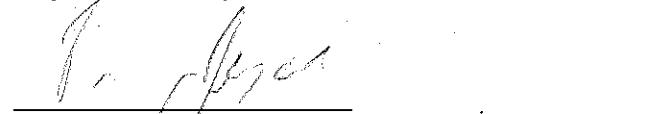
1. I was assigned by the Court to prosecute the above-named individual's appeal.
2. I represented Mr. Cole in the Court below both at the time of his plea and sentence.
3. Mr. Cole has now hired, Daniel Demaria, Esq. to represent him in this matter.
4. I have spoken to Mr. Demaria and he wishes to represent Mr. Cole in his appeal to this Court.

Wherefore I respectfully request that I be relieved as counsel for Mr. Cole and newly retained counsel, Daniel Demaria, Esq. be allowed to file his notice of appearance.



David Touger

Sworn to me this 25th
day of February, 2014.



Notary Public PATRICK J. JOYCE
Notary Public, State of New York
No. 02J05039969
Qualified in New York County
Commission Expires March 6, 2015